

REMARKS/ARGUMENTS

Favorable reconsideration of this application is respectfully requested.

Claims 1-42 are pending in the present application. Claims 43-105 have been canceled without prejudice or disclaimer.

The outstanding Office Action presented a rejection of Claims 1, 2, 4-10, 12-19, 21-26, 28-32, and 35-42 under 35 U.S.C. §103(a) as being unpatentable over Tomita et al. (U.S. Patent No. 6,100,884, Tomita) in view of Lawler et al. (U.S. Patent No. 5,585,838, Lawler) and a rejection of Claims 3, 11, 20, 27, 33, and 34 under 35 U.S.C. §103(a) as being unpatentable over Tomita in view of Lawler in further view of Yoshinobu et al. (U.S. Patent No. 6,100,884, Yoshinobu).

The present invention is concerned with a searching system for performing a particular kind of search for contents that were broadcast as well as a method for performing that search and a record medium having a control program for controlling that search. In each aspect of the invention, the search results are displayed along with an indicator for activation at a unit to cause downloading of the contents associated with the results of the search.

Turning to the rejection of Claims 1, 2, 4-10, 12-19, 21-26, 28-32, and 35-42 under 35 U.S.C. §103(a) as being unpatentable over Tomita, it is noted that Tomita does not, *inter alia*, teach or suggest the requirement of independent Claims 1, 18, 32, 35, and 37-42 for a display of an indicator for activation at a unit to cause downloading of broadcast contents associated with the results of a search for those contents that were broadcast, not contents associated with future broadcasts.

In this last regard, not only does Tomita not teach or suggest “an indicator for activation at the terminal unit to cause downloading of the contents associated with the search results,” neither Tomita nor Lawler suggest that the results of a search of

already broadcast programs should be conducted with the search results being downloaded by activating a display indicator. Whatever else can be said as to the teachings of col. 13, line 61-col.14, line 14 and the showings of Figs. 7-9 of Lawler, it cannot be said that activation of order button 138 is to download any contents associated with search results. At best, order button is disclosed to order a pay per view event in the FUTURE, see col. 14, lines 19-21 and lines 35-38. The ordering of a “pay-per-view program or similar type program” is simply a matter of having the broadcaster process the order and then transmit the program to the subscriber’s TV set at the designated time. There is no download to the interactive time guide terminal of Lawler of the “pay-per-view” program disclosed here.

Accordingly, if the artisan were to modify the program listing device search result display of Tomita (that is primarily concerned with insuring “that the monitor display 34 of the personal computer 33 displays the search-result screen which lists the television programs which the user wishes to watch” (col. 11, lines 38-41, emphasis added)), the modification taught by Lawler would result in adding a an “order” button 138, if the display has pay-per-view listings. As noted above, however, the ordering of a pay-per-view type program results in the scheduling of a future broadcast to a TV set, not a present download of the contents associated with the search results to the terminal unit.

With further regard to the Lawler disclosure of Fig. 9 and col. 14, line 49-col. 15, line 3, the ordering of past programs is simply a request for information as to the past program availability for ordering from the cable system (head end) as described at col. 14, lines 52-57, not a present downloading of anything.

Accordingly, the rejection of independent Claims 1, 18, 32, 35, and 37-42 as being obvious over Tomita is traversed as there has been no *prima facie* case of

obviousness established that accounts for all the limitations of these independent claims.

Furthermore, as each of Claims 2, 4-10, and 12-17 ultimately depend from independent Claim 1 and each of Claims 19, 21-26, and 28-31 ultimately depend from independent Claim 18, the rejection of these dependent claims as being obvious over Tomita is traversed for the reasons noted above as to the parent independent claims.

In addition, each of Claims 2, 5-10, 12-17, 19, 22-26, and 28-31 adds further features to its respective independent base claim and these dependent claims are further believed to patentably define over Tomita considered alone or in any proper combination with Lawler because these references fail to teach or suggest these added further features as well.

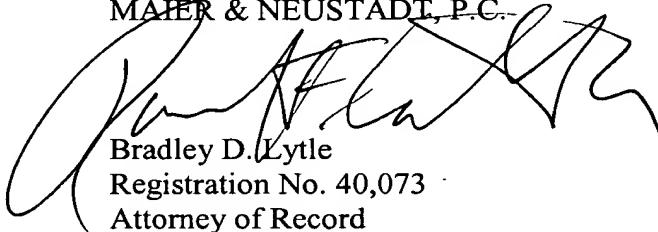
With further regard to the rejection of Claims 3, 11, 20, 27, 33, and 34 under 35 U.S.C. §103(a) as being unpatentable over Tomita in view of Lawler in further view of Yoshinobu, it is first noted that Yoshinobu does not cure the deficiencies noted above as to Tomita and Lawler. As Claims 3 and 11 ultimately depend from independent Claim 1, Claims 20 and 27 depend directly from independent Claim 18, and Claims 33 and 34 directly from independent Claim 32, the rejection of these of these dependent claims as being obvious over Tomita in view of Lawler in further view of Yoshinobu is traversed for the reasons noted above as to the parent independent claims.

In addition, each of Claims 3, 11, 20, 27, 33, and 34 adds further features to its respective independent base claim and these dependent claims are further believed to patentably define over any of Tomita and/or Lawler and/or Yoshinobu taken alone or together in any proper combination because these references fail to teach or suggest these added further features as well.

As no further issues are believed to remain outstanding in the present application, it is believed that this application is clearly in condition for formal allowance and an early and favorable action to that effect is, therefore, respectfully requested.

Respectfully submitted,

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